THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.7697 of 2007

Between:

J.V.S.Exim Private Limited.

.. PETITIONER

and

The Sub-Inspector of Police,
Jaggayyapet and others. .. RESPONDENTS

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ORDER:

Heard the learned counsel for the petitioner as well as the learned

Government Pleader for Home appearing for the 1st respondent.

It is the case of the petitioner that respondents 2 and 3 are President and Secretary of Sharemohammadpeta Fishermen Co-operative Society (for short "the Society") and the petitioner entered into an agreement with the said Society to purchase fish and in that connection the petitioner had advanced monies to respondents 2 and 3. Therefore, as per the said agreement, respondents 2 and 3 are entitled to sell fish to the petitioner alone. As respondents 2 and 3 were not adhering to the said agreement, the petitioner filed O.S.No.24 of 2007 on the file of Junior Civil Judge, Jaggayyapet and obtained an order of injunction in I.A.No.33 of 2007 on 15-02-2007 till 01-03-2007, wherein respondents 2 and 3 are directed to sell the fish already caught to the petitioner alone as per the Resolution of the Society and not to catch fish in Sharemohammadpeta tank in the control of the respondent society.

A perusal of the said injunction order goes to show that the fish already caught has to be sold to the petitioner and at the same time, no fish shall be caught in Sharemohammadpeta tank. However, the said injunction was granted only upto 01-03-2007 and it is not known as to whether the said injunction order has been extended or not. This Court is not at all concerned with the said alleged agreement entered into between the petitioner and respondents 2 and 3 and also with regard to Civil Court injunction, but it is specifically alleged that the 1st respondent without any justification, whatsoever, illegally helping the said society and catching fish and selling it to 3rd parties contrary to the said injunction order.

If there is any such action on the part of the 1st respondent, it will be violation of the injunction order, if at all it is subsisting. Therefore, it is always open for the petitioner to take appropriate action under Contempt of Court by filing an application under Order 39 Rule 2-A CPC. But, the

petitioner has not taken any steps for the alleged willful violation of the said injunction order. However, it is stated that the petitioner made a representation before the Superintendent of Police for taking appropriate action. In fact, the said Superintendent of Police is not made as a party to this writ petition, so as to issue any direction to consider and dispose of the said representation. Therefore, I am of the opinion that without taking recourse available under law, no Writ of Mandamus can be issued as claimed by the petitioner.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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23-04-2007

Prv